



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

**Tuesday, January 23, 2007
7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers**

**A Closed Session
started at 6:30
p.m. in the
Administration
Building.**

6:30 p.m. CLOSED SESSION (First Floor Conference Room - Administration Building)

1. Closed session pursuant to Government Code Section §54957.6 to conference with labor negotiators regarding labor negotiations with Local 715 Service Employees International Union (SEIU) and the American Federation of State, County, and Municipal Employees Local 829 (AFSCME). Parties present: David Boesch, City Manager, Audrey Seymour, Assistant City Manager, Bill McClure, City Attorney, Labor Attorney Emily Prescott and Glen Kramer, Personnel and Information Services Director.

The Mayor said there was nothing to report from the Closed Session.

7:00 p.m. REGULAR MEETING (Menlo Park City Council Chambers)

ROLL CALL - Fergusson, Cohen, Boyle, Cline and Robinson

Staff present - City Manager Boesch, City Attorney McClure and City Clerk Vonderlinden. Other City staff was present in the audience.

PLEDGE OF ALLEGIANCE

STUDY SESSION

1. Presentation on, discussion of and possible City Council direction regarding the renovation and reuse of the Park Theater building located at 1275 El Camino Real.

A potential applicant, Andy Dunken, addressed the Council on his intentions to purchase and reuse the Park Theater, exploring the possibility of renovation to show films and/or moving the current Academy of Dance to this location. Mr. Dunken thanked Mayor Fergusson, Jim Cook and Winter Dellenbach for their help and encouragement through this process.

The City Council asked questions of the potential applicant and shared its general interest in this proposal.

Winter Dellenbach, with Save the Park Theater, asked Council to pursue this project and thanked the Mayor for her work with Kepler's and the Park Theater. She believes this renovation would add value to the City and neighboring communities.

Karen Holman believes this is a great opportunity to restore the Park Theater and she supports the potential applicant.

Elizabeth Lasensky supports this approach even though her preference is to have a movie theater.

A. COMMISSION APPOINTMENTS AND REPORTS

1. Appointments to the Housing Commission, the Parks and Recreation Commission and the Transportation Commission. (attachment)

Mary Gilles lobbied for reappointment to the Transportation Commission. She explained that she resigned prematurely in the expectation of a residence move that did not come to fruition.

Housing Commission Appointment

Mayor Fergusson opened the floor for nominations:

- Council Member Cline nominated Don Brawner
- Council Member Boyle nominated Marianne Quarre Dean

Council voted on the nominations and Don Brawner was appointed to the Housing Commission.

Parks and Recreation Commission Appointments

Mayor Fergusson opened the floor for nominations:

- Council Member Boyle nominated Andrew Kirkpatrick
- Council Member Robinson nominated Jim Tooley
- Mayor Fergusson nominated Kristi Breisch
- Mayor Pro Tem Cohen nominated Ben Eiref
- Council Member Cline nominated Noria Zasslow

Council voted on the various nominations and the appointees to the Parks and Recreation Commission are Andrew Kirkpatrick and Jim Tooley for the September 2008 and the September 2009 terms respectively.

Appointments to the Transportation Commission

Mayor Fergusson opened the floor for nominations:

- Mayor Pro Tem Cohen nominated Martin Engel
- Council Member Boyle nominated Mary Gilles
- Council Member Cline nominated Charlie Bourne
- Mayor Fergusson nominated Bob Cronin
- Council Member Cline nominated Peter Hart
- Mayor Pro Tem Cohen nominated Rich Rollins
- Council Member Robinson nominated Steve Van Pelt

Council voted on the various nominations and the appointees to the Transportation Commission are Charlie Bourne and Bob Cronin for the terms of July 2009 and September 2007 respectively.

2. Advisory bodies attendance reports for 2006. (attachment)

Mayor Fergusson suggested that the Council liaisons to the various Commissions contact the members that have lower attendance than what is stipulated by the policy.

3. Commission members and Chamber of Commerce reports. None.

B. PRESENTATIONS AND PROCLAMATIONS - None

D. CONSENT CALENDAR

1. Award of contract to Republic ITS in the amount of \$114,200 for the purchase and installation of video detection systems at the signalized intersections of Sand Hill Road with Saga Lane, Branner Drive, and Sharon Park Drive; and authorization of a budget of \$137,000 for construction, contingencies, testing, inspection, and construction administration. (Staff Report #07-006)

2. Approval of the minutes of the City Council meeting of November 28, 2006. (attachment)

M/S Cohen/Boyle to approve the Consent Calendar as presented. Motion carries 5-0-0.

C. PUBLIC COMMENT #1 (Limited to 30 minutes)

Mary Gilles referred to the budget surplus and posed questions why this situation occurred.

Mayor Fergusson thanked the City Manager for an informative memo that he sent out placing the matter of the budget surplus and utility user tax in the broader context.

The City Manager said that he had sent out a memo clarifying the history of events and some of the misunderstanding. He said that he could send out the memorandum to those interested and he added that the matter could be discussed at the February 6, 2007 mid-year budget review.

The Mayor would like the memo, even if it is in a modified form, to be made available to the public possibly via ccin@menlopark.org.

Former Mayor Schmidt referred to two articles published in a local newspaper regarding Portola Valley's bulk purchase of solar systems. He is hopeful that the City Council will discuss the matter at the meeting on February 6, 2007. He spoke about green building and renewable energy and application fees for solar systems in Menlo Park.

Elias Blawie believes there is a credibility issue and he is looking for a response from staff and he hopes the management team works with the press and gets information out.

Council Member Robinson spoke about speeding up the meetings and having speakers line up as they are called to be next. He also spoke about implementing the beeper option on the timing system. Council consensus was to use the beeper system in timing speakers.

E. PUBLIC HEARING

1. Adoption of resolution no. 5720 to abandon the Public Utility Easement crossing the rear six feet of lots 8, 9, 10, 11, common lot C, and extending into the center of lot 10 of the Heritage Oaks major subdivision located at 996-1002 Willow Road. (Staff Report #07-007)

Pat Stone, Supervising Engineer, presented the report and explained the issues surrounding this Council action.

Mayor Fergusson opened the public hearing. No comment.

M/S Robinson/Cline to approve the staff recommendation. Motion carries 5-0-0.

F. REGULAR BUSINESS

1. Adoption of resolution no. 5721 approving the City's participation in the South Bayside Waste Management Authority's contractor selection process for collection services and for processing and transfer services, agreeing that the programs, services, terms, and conditions of the process meet the needs of the City, agreeing that the contractor selection process addresses the selection process requirements of the City, and agreeing that the City will not independently solicit or entertain the proposals for such collection, processing, or transfer services. (Staff Report #07-008)

Dianne Dryer, Environmental Coordinator, introduced the Executive Director of the South Bayside Waste Management Authority, Kevin McCarthy, and she provided details on the selection process for a future contract.

Mr. McCarthy gave details about the reason why he is before Council and the steps and opportunities for the public to provide input. Mr. McCarthy thanked staff for its role in current recycling programs. Mr. McCarthy shared a presentation about the multi-year process to select a vendor that will serve all

twelve member agencies. He is hoping to include the use of alternative fuel vehicles in the proposal requirements.

Council discussion

Council Member Robinson asked details about SBWMA and Mr. McCarthy said that this organization is having its 25 year anniversary later this year and provided the information requested.

Mayor Pro Tem Cohen thanked Dianne Dryer for her work and dedication.

Council Member Boyle wanted to have data on the rates across the territory covered by SBWMA and staff offered to provide that off line. Council Member Boyle asked about labor policies that are being required of the bidders namely having to pay the same salaries and benefits that were paid last year by the provider. This strikes him as not delivering the lowest cost and it biases the service provider towards fewer jobs. Mr. McCarthy said the goal is not to have a big outlier and he has seen extremely low labor rates and so this requirement is a recognition that there is a union work force in place and it benefits the organization to accept its labor contracts. Council Member Boyle asked if the City could refuse the final recommendation and Mr. McCarthy confirmed. Mayor Fergusson asked about the principles stated in the staff report. One of her concerns is that the trash does not get picked up and how this will be included in the selection process.

Mr. McCarthy said that there are very specific customer service standards that are listed and if the company does not meet the standards then there are liquidated damages that can be paid to the city.

Public Comment - There was none.

Council Member Robinson would like to broaden the ability to recycle and have a greener approach. He supports the use of alternative fuels in the vehicles and he would like quieter pick-ups.

M/S Cline/Robinson to approve resolution no. 5721 approving the City's participation in the South Bayside Waste Management Authority's contractor selection process for collection services and for processing and transfer services, agreeing that the programs, services, terms, and conditions of the process meet the needs of the City, agreeing that the contractor selection process addresses the selection process requirements of the City, and agreeing that the City will not independently solicit or entertain proposals for such collection, processing, or transfer services. Motion carries 5-0-0.

Council took a break at 9:25 p.m.

Council resumed at 9:31 p.m.

2. Discussion and possible direction regarding plans to move forward on Council goals identified during the January 6, 2007 Council Retreat. (Staff Report #07-009)

City Manager Boesch explained the nine goals identified by Council at its meeting of January 06, 2007. Staff is seeking Council direction on this matter and input on the suggested approach.

Mayor Pro Tem Cohen believes the goals need to be prioritized and delegated. He believes there is a lot of potential in the community and commissions that could be used to study and pursue some of the goals. Certain Council Members expressed their concerns with the number of goals and how to approach the matter. A few Council Members thought the exercise was incomplete and needed more distilling. Council Member Boyle suggested focusing on two or three goals that may be achievable and reasonable. Council Member Cline stated that nine goals is not realistic. He believes another gathering would be useful to look at delegation.

Mayor Pro Tem Cohen supports having El Camino and M2 addressed by a committee. He believes that a task force should be put together. Another task force could address public engagement and campaign ethics reform. Mayor Fergusson asked each Council Member to select one or two of the goals and comment on those. Various Council Members expressed their preferences but there was no consensus on a reduction in number of goals.

Council Member Cohen would like current advisory bodies such as Transportation Commission and Environmental Quality Commission to focus and study certain goals. He believes this would be a plausible approach. He further opined that a lot of these things are already happening and by delegating to the commissions he finds it a more manageable approach.

Public Comment

Vincent Bressler addressed the community engagement goal. He believes that the public needs to be heard before basic decisions are made. He suggested rewording this goal to make it clear that public input precedes decision making.

Elias Blawie supports the approach of Mayor Pro Tem Cohen of prioritization and delegation. He agrees with M2 and El Camino being about economic vitality/development. He thinks Council should use Commissions to address some goals. He also suggested dividing these goals amongst the Council and have each Council Member take on a goal and work with various advisory bodies.

Mayor Fergusson would like the goal statement on transportation and traffic to read as follows: "...safe and efficient movement through Menlo Park while promoting safe use of bicycles for community and recreation, walking for short trips and other alternatives to single occupant automobile travel." On bullet #4 she believes the El Camino grade separation should be "or" instead of "and". She would also like current projects underway listed. Overall, the Council would like to see more community engagement and see people engaged and informed.

Mayor Fergusson added wording to the goal of community engagement to include on the last phrase changing the word "feel" to the word "know" and add the words "understood". Council Member Robinson would like it to incorporate having the community involved in the decision making process. Mayor Fergusson added wording to the environmental stewardship goal because she wants it to capture some of the energy from the community and use the minimum amount of staff resources.

In the goal of Sports fields, Council Member Robinson suggested that Council Member Cline be the champion of this topic and include a short term and a long term plan that could be addressed in a reasonable manner. Council Member Robinson mentioned specific items like minor alterations to the Burgess Field and studying Kelly Field and Hamilton Avenue.

On the goal of campaign ethics reform Mayor Fergusson found this to be a lower priority. Mayor Pro Tem Cohen said this is important to him. Council Member Robinson said that any group of citizens could make a list of suggestions and come forward. Council Member Robinson said that it is always good to look for better practices and he encouraged community members to get organized and submit comments to Council.

Council discussed M2 and El Camino Real and various Council Members had different views. Three Council Members supported the creation of a task force that would focus on economic development with two sub-branches to focus on Santa Cruz Avenue and El Camino and M2 components. One Council Member asked about commercial streamlining and Mayor Fergusson sees it fitting into the El Camino topic.

City Manager Boesch said that staff will create a red-lined version of the goal statements and bring those back to Council on February 12, 2007. Mr. Boesch further stated that some of the suggestions need to be further digested by staff.

3. Consideration of state and federal legislative items, including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Item. None

G. WRITTEN COMMUNICATION

1. Request by Council Member Boyle to discuss the Utility Users Tax to find out if there is Council interest in placing this item on a future agenda to discuss the rate that will go into effect on April 1, 2007. (attachment)

Council Member Boyle asked if this could be addressed after the Council discussion on February 6, 2007 meeting and the City Manager confirmed that this could still be the case. Mayor Pro Tem Cohen suggests that Council Member Boyle synthesize his communication and work with the City Manager and tell a story that is down the middle.

Council Member Robinson believes there has been some misinformation and getting a handle on the figures would be helpful.

Council Member Robinson stated that a budget surplus in the General Fund is different than the structural imbalance and the other commitments the City has. He believes that in February, Council could consider lowering the rate of the UUT, and he asks that Council Member Boyle report the situation of a long term structural deficit versus what happened in one budget year. Council Member Cline explained that there is a three-month evaluation of the tax revenue and so on the UUT he would like Council to have the correct data before making a decision.

Mayor Fergusson said that she expected the communication to include the fact that the 2005-06 budget was a hold over budget. Mayor Fergusson suggested some open office hours to allow the public to come in and get clarifications from the Finance Director with Council Members present.

2. Correspondence from Mayor Fergusson and Council Member Robinson requesting that Council place on a future agenda a discussion regarding Climate Change. (attachment)

Mayor Fergusson asked that this be placed on a future agenda such as February 13, 2007.

Council Member Robinson believes this is a local issue and that climate changes will impact Menlo Park. He said that there are other cities that adhered to this agreement and Menlo Park could borrow liberally from neighboring communities.

Council Member Boyle said that some form of analysis be done because he would like to understand the potential ramifications for the City and if there is a cost associated with this approach.

Council Member Cline shared concerns about staff time being spent on this.

Council agreed to have this topic addressed at the February 13, 2007 meeting and it is up to the Council and the community to flush out what is being proposed.

Council Member Boyle asked that the information to be provided by staff include net positives or negatives on the business development environment, legal obligations it might or might not impose (from Bill McClure) and Kent Steffens to comment on any engineering expenses ongoing or upfront that the City might incur. The Mayor concurred.

H. INFORMATION ITEM - None

I. COUNCIL MEMBER REPORTS

Council Member Robinson reported on attending certain regional meetings. He provided an update on what was discussed at the Dumbarton Rail Meeting and the RHNA (regional housing needs allocation) meetings.

Council Member Boyle asked the City Attorney to report on the hiring of a City Manager.

City Attorney McClure explained the process and how the goal is to have public participation at the beginning and end of the process. Mr. McClure suggested the possibility of February 8, 2007 as a Special Meeting at which the public could provide input. The City Attorney also provided information about the Requests for Proposals that went out to recruitment firms.

He added that Council Members will need to meet individually with the selected firm in advance of the Special Meeting on February 8, 2007. This would take place during the afternoon. Mayor Pro Tem Fergusson can be present if the meeting starts at 5:30 p.m. The City Attorney encouraged the Council Members to inform constituents about this upcoming meeting and invite public comment.

The City Attorney mentioned that City Council Members Cohen and Boyle, as the City's representatives to the Menlo Atherton Performing Arts Center subcommittee, met with representatives from the School District and Atherton. More meetings are planned.

Council Member Cline reported that the Parks and Recreation Commission is holding its meetings on the Measure T Funds.

Mayor Fergusson spoke about the San Mateo County Selection Committee and she hopes to get votes for her appointment to the Transportation Authority. She said that traditionally the Mayor makes the decision on whom to support. Secondly, she said that there is a HEART board seat available and she would like the Menlo Park representative to run for this seat.

J. PUBLIC COMMENT #2 (Limited to 30 minutes) - None

Mayor Fergusson announced that the upcoming City Council Meeting will take place at the Menlo Park Senior Center. Mr. Boesch explained the types of outreach that had been conducted to encourage public participation at such meeting.

K. ADJOURNMENT - the meeting adjourned at 11:25 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the Council Meeting of March 6, 2007.